



PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Roger Desmond Drinkwater, et al.

**Examiner:** G. Bugaisky

**Serial No.:** 09/673,490

**Group:** 1653

**Filed:** October 16, 2000

**Docket:** 13922

**For:** NOVEL OMEGA CONOTOXIN  
PEPTIDES

**Dated:** October 16, 2002

Assistant Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231

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OCT 22 2002  
TECH CENTER 1600/2900

**STATEMENT UNDER 37 C.F.R. §1.821(f)**

Sir:

I hereby state that the content of the substitute paper and substitute computer readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. §§1.821(c) and (e), respectively, are the same.

Respectfully submitted,

Peter I. Bernstein  
Registration No. 43,497

SCULLY, SCOTT, MURPHY & PRESSER  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343  
PIB/XZ:ab

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on October 16, 2002.

Dated: October 16, 2002

\_\_\_\_\_  
Michelle Mustafa



#15  
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PATENTS  
10/28/02

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**RESPONSE TO NOTICE TO COMPLY UNDER 37 C.F.R. §1.821**

Sir:

In response to the Notice to Comply dated September 17, 2002, and in accordance with the provisions in 37 C.F.R. §1.821, Applicants submit herewith a substitute paper copy and a substitute computer readable copy of the Sequence Listing.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

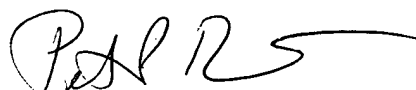
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on October 16, 2002.

Dated: October 16, 2002

  
Michelle Mustafa

Applicants respectfully submit that the content of the paper and computer copies of the sequence listing does not introduce new matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter I. Bernstein', with a long horizontal flourish extending to the right.

Peter I. Bernstein

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400 Garden City Plaza  
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Telephone: 516-742-4343  
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Enclosures:

- Substitute paper copy of the Sequence Listing;
- Diskette containing a substitute computer-readable copy of the Sequence Listing;
- Statement under §1.821(f);
- Copy of the Notice to Comply.



Application No.: **09/673490**

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ Other
- ☐ The disks are being irradiated by electron bombardment and are showing up melted, unreadable, and or crazed (CDROMS).

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following (which were provided on the USPTO internet site at:  
<<http://www.uspto.gov/september11/mailqanda.htm>> ) :

1. Electronically submitted through EFS-Bio  
(<<http://www.uspto.gov/efb/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to:  
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Arlington, VA 22202

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**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

3. Mailed by Federal Express, United Parcel Service or other delivery service to:  
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2011 South Clark Place  
Customer Window, Box Sequence  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

4. Hand Carried directly to the Customer Window at:  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03, Box Sequence,  
Arlington, Virginia 22202

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216 or (703) 308-2923
- For CRF Submission Help, call (703) 308-4212
- For PatentIn software Program Support:
  - HELP DESK: (703) 739-8559, ext 508, M-F, 8 AM to 5 PM EST except holidays
  - Email: [PATIN21HELP@uspto.gov](mailto:PATIN21HELP@uspto.gov)
  - To purchase PatentIn software: (703) 306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**